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LOS ANGELES SUPERIOR COURT

APR 12 2013

JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK

BY: RONICA LEYVA DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

SOON HO CHUNG (02/19/1952)

Defendant.

Case No. 3CA00013

**[PROPOSED] ORDER PROHIBITING
DEFENDANT FROM ENGAGING,
EITHER DIRECTLY OR
INDIRECTLY, IN ANY ACTIVITY
FOR WHICH A VOCATIONAL
NURSE LICENSE IS REQUIRED
[Penal Code § 23]**

Teresa Bello-Jones, Executive Officer,
BOARD OF VOCATIONAL NURSING AND
PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS,
STATE OF CALIFORNIA

Applicant.

The court having noted the appearance of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, State of California, and having heard and considered the moving papers, and oral argument, finds that good cause exists to issue an order pursuant to Penal Code Section 23, that imposes appropriate restrictions on the defendant's vocational nurse license.

IT IS HEREBY ORDERED THAT:

1. SOON HO CHUNG shall be prohibited from engaging, either directly or indirectly, in any activity for which a vocational nurse license is required;

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2. This condition shall remain in effect until there is a final judgment of this criminal case or until further order by this court;
3. The Board of Vocational Nursing and Psychiatric Technicians shall be notified of any modification of this order. The notice shall be mailed within five days to: Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833.

Daniel L. Brenner

DANIEL L. BRENNER

Dated: _____

JUDGE OF THE SUPERIOR COURT



FILED

MAY - 1 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2012-2702

SOON HO CHUNG
9220 Dodge Road
Lucerne Valley, CA 92356

A C C U S A T I O N

Vocational Nurse License No. VN 89843

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians(Board), Department of Consumer Affairs.

2. On or about June 6, 1979, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 89843 to Soon Ho Chung (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2015, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part,
6 that the Board may discipline the holder of a vocational nurse license for any reason provided in
7 Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

8 5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license
9 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
10 within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1
11 of the Code, the Board may renew an expired license at any time within four years after the
12 expiration.

13 6. Section 2878 of the Code states:

14 "The Board may suspend or revoke a license issued under this chapter [the Vocational
15 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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18 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
19 violating of, or conspiring to violate any provision or term of this chapter.

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21 "(k) The commission of any act punishable as a sexually related crime, if that act is
22 substantially related to the duties and functions of the licensee.

23 **REGULATORY PROVISIONS**

24 7. California Code of Regulations, title 16, section 2521, states:

25 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
26 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
27 considered to be substantially related to the qualifications, functions or duties of a licensed
28 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed

1 vocational nurse to perform the functions authorized by his license in a manner consistent with
2 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
3 involving the following:

4 ...

5 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
6 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
7 Business and Professions Code.

8 **COST RECOVERY**

9 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct/Violate Act)**

15 9. Respondent is subject to disciplinary action under section 2878, subdivisions (a) and
16 (d), in accordance with Code of Regulation, Title 16, section 2521, subdivision (c) in that
17 Respondent committed acts of unprofessional conduct or acts violating the Vocational Nursing
18 Practice Act in. The circumstances are as follows:

19 a. On or about January 30, 2013, criminal complaint 3CA00013 was filed against
20 Respondent in the Superior Court of California, County of Los Angeles. The complaint alleges
21 seventeen (17) violations of Penal Code section 647(j)(3)(A). Respondent secretly video recorded
22 other persons, who were in a partial or full state of undress, without the consent or knowledge of
23 the other persons. In June 2012, Respondent was working as a licensed vocational nurse at a
24 correctional facility in Los Angeles County. Another employee of the facility reported finding a
25 concealed camera in the female employee's restroom. During an investigation, Respondent
26 admitted to detectives that it was his camera that was found in the restroom and that he had
27 placed the camera facing the toilet. Respondent also indicated he had hidden a camera in the
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1 female employee restroom on prior occasions and that videos from the camera were downloaded
2 onto Respondent's personal computer for him to view.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Sexual Misconduct)**

5 10. Respondent is subject to disciplinary action under section 2878(k) of the Code in that
6 on or about June 2012, Respondent committed acts of sexual misconduct. Complainant refers to
7 and by this reference incorporates the allegations set forth above in paragraph 9, subparagraph a,
8 inclusive, as though set forth fully.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
12 issue a decision:

- 13 1. Revoking or suspending Vocational Nurse License Number VN 89843, issued to
14 Soon Ho Chung;
- 15 2. Ordering Soon Ho Chung to pay the Board of Vocational Nursing and Psychiatric
16 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
17 Business and Professions Code section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.
- 19

20
21 DATED: May 1, 2013



22 TERESA BELLO-JONES, J.D., M.S.N., R.N.
23 Executive Officer
24 Board of Vocational Nursing and Psychiatric Technicians
25 Department of Consumer Affairs
26 State of California
27 *Complainant*

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